

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TRAVON LEON FREEMAN,
Plaintiff,
v.
CHRISTIAN PFEIFFER, et al.,
Defendants.

No. 1:20-cv-00320-DAD-BAM (PC)

ORDER DISMISSING ACTION FOR
FAILURE TO PAY THE REQUIRED FILING
FEE AND FAILURE TO OBEY A COURT
ORDER

Plaintiff Travon Leon Freeman is a state prisoner proceeding *pro se* in this civil rights action brought pursuant to 28 U.S.C. § 1983.

On March 4, 2020, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) be denied and that he be required to pay the required \$400.00 filing fee in full to proceed with this action. (Doc. No. 5.) Plaintiff filed timely objections to the March 4, 2020 findings and recommendations. (Doc. No. 6.)

On April 15, 2020, following *de novo* review of the case, the undersigned adopted the March 4, 2020 findings and recommendations and ordered plaintiff to pay the required filing fee in full within twenty-one (21) days to proceed with this action. (Doc. No. 9.) Plaintiff was warned that his failure to pay the filing fee would result in dismissal of this action. (*Id.* at 3.)

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1 In lieu of paying the filing fee, on April 30, 2020, plaintiff moved for reconsideration of
2 the undersigned's April 15, 2020 order adopting the March 4, 2020 findings and
3 recommendations (Doc. No. 12) and filed a notice of appeal before the United States Court of
4 Appeals for the Ninth Circuit of the undersigned April 15, 2020 order (Doc. No. 13), which the
5 Ninth Circuit thereafter processed (Doc. No. 14).

6 On May 8, 2020, the undersigned denied plaintiff's motion for reconsideration of the
7 April 15, 2020 order adopting the March 4, 2020 findings and recommendations. (Doc. No. 17.)

8 On July 23, 2020, the Ninth Circuit dismissed plaintiff's appeal for failure to prosecute.
9 (Doc. No. 21.)

10 Because plaintiff's interlocutory appeal of this court's April 15, 2020 order has been
11 resolved, and because plaintiff has still not paid the required filing fee as ordered, despite being
12 warned that his failure to do so would result in dismissal of this action, the court will now dismiss
13 this action.

14 Accordingly,

- 15 1. This action is dismissed without prejudice due to plaintiff's failure to comply with
16 a court order and his failure to pay the required filing fee;
- 17 2. The Clerk of the Court is directed to close this action; and
- 18 3. No further filings will be entertained in this closed case.

19 IT IS SO ORDERED.

20 Dated: August 24, 2020

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UNITED STATES DISTRICT JUDGE